

STATE OF CALIFORNIA
FISH AND GAME COMMISSION
INITIAL STATEMENT OF REASONS FOR REGULATORY ACTION
(Pre-Publication of Notice Statement)

Amend Subsection 360(c)
Title 14, California Code of Regulations
Re: Deer: Additional Hunts

- I. Date of Initial Statement of Reasons: December 30, 2002
- II. Dates and Locations of Scheduled Hearings:
- (a) Notice Hearing: Date: February 7, 2003
Location: Sacramento, California
- (b) Discussion and: Date: April 4, 2003
Adoption Hearing: Location: Visalia, California
- III. Description of Regulatory Action:
- (a) Statement of Specific Purpose of Regulation Change and Factual Basis for Determining that Regulation Change is Reasonably Necessary:
1. Modify Season for Hunt G-8
- Existing regulations for Hunt G-8 (Fort Hunter Liggett Antlerless Deer Hunt) provide for a season on Saturdays, Sundays and federal holidays beginning the second Saturday in October and continuing for four consecutive weekends. The events of September 11, 2001 had a significant effect on operations at all military bases in California, including Fort Hunter Liggett Military Reservation. As a result, staffing levels at Fort Hunter Liggett have been reduced, requiring that the season be shortened in order to effectively accommodate a deer hunting program.
- This proposed regulatory action would reduce the season to two consecutive weekends, specifically include the Columbus Day holiday, and move the season beginning to the first Saturday in October. This proposal will decrease staffing requirements by reducing the season length and overlapping Hunt G-8 with Hunt J-10 (Fort Hunter Liggett Junior Either-Sex Deer Hunt) proposed changes described in Section III. (a) 4 below.
2. Modify Season and Special Conditions for Hunt G-10
- Existing regulations for Hunt G-10 (Camp Pendleton Either-Sex Deer Hunt) provide for a 72 day season beginning the first Saturday in October; allow hunting by both military and general public; and include various method of take restrictions during the season. Events of September 11, 2001 had a significant affect on operations at all military bases in California including the Camp Pendleton Marine Corps Base. As a result, staffing levels at Camp Pendleton have been reduced, requiring that the season be curtailed in order to effectively accommodate a deer hunting program. Security provisions currently under implementation on the Base severely restrict use and access by the general public. In addition, special conditions which limit archery hunting to the first 35 days of the

season and permit firearms use on weekends only, is misleading and has led to confusion on the part of some hunters.

The proposed change would modify the season to ten consecutive weekends by allowing hunting to occur on Saturdays and Sundays only, thereby reducing staffing requirements necessary to conduct the deer hunting program. The proposal would also restrict the distribution of tags to military personnel due to the security conditions currently under implementation at the Base. In addition, the method of take/season restrictions for hunting with archery equipment or firearms would be clarified in order to eliminate confusion regarding when each method of take is permitted.

3. Modify Area Description for Hunt J-7

Existing regulations for Hunt J-7 (Carson River Junior Either-Sex Deer Hunt) provides both a physical description and a cross reference to the zone X-8 area description in subsection 360(b). During the 2002 regulation process, the area description for zone X-8 was modified to provide a clearer boundary description, however the corresponding change was not incorporated into the J-7 area description and an inconsistency now exists.

The proposed change would modify the Hunt J-7 area description to cross reference the Zone X-8 area description and therefore eliminate any confusion over the hunting boundary.

4. Modify Season for Hunt J-10

Existing regulations for Hunt J-10 (Fort Hunter Liggett Junior Either-Sex Deer Hunt) provide for a season on Saturdays, Sundays and the Columbus Day holiday beginning the last Saturday in September and extending for two consecutive weekends. Due to the shift of calendar dates in 2003, the Columbus Day holiday falls outside of the existing two consecutive weekends, creating an inconsistency in the regulation. In addition, events of September 11, 2001 had a significant affect on operations at all military bases in California including Fort Hunter Liggett Military Reservation. As a result, staffing levels at Fort Hunter Liggett have been reduced, requiring that seasons be modified in order to more effectively accommodate a deer hunting program.

The proposed change would modify the season by moving the beginning to the first Saturday in October and extend for two consecutive weekends, including the Columbus Day holiday. This modification will resolve any future calendar shift problems, since the Columbus Day holiday will always occur on either the first or second weekend in October. In addition, the proposal will assist in resolving decreased staffing requirements by aligning the Hunt J-10 and Hunt G-8 (Fort Hunter Liggett Antlerless Deer Hunt) season change proposals described in proposal III. (a) 1., above.

5. Minor Editorial Changes

Minor editorial changes are necessary for consistency in spelling, grammar and clarification.

6. Number of Tags

Existing regulations provide for the number of hunting tags in the Additional Hunts. The proposal changes the number of tags for all existing hunts to a series of ranges as indicated in the table presented in the Informative Digest.

The proposal provides a range of tag numbers for each hunt from which a final number will be determined, based on the post-winter status of each deer herd. These ranges are necessary, as the final number of tags cannot be determined until spring herd data are collected in March/April.

In early spring, surveys of deer herds are conducted to determine the proportion of fawns that have survived the winter. This information is used in conjunction with the prior year harvest and fall herd composition data to estimate overall herd size, sex and age ratios, and the predicted number of bucks available next season. The number of bucks and does needs to be estimated prior to the hunting season to determine how many surplus bucks will exist over and above the number required to maintain the desired buck ratio objectives stated in the approved deer herd management plans.

The actual tag numbers for each affected hunt will be reflected in the Final Statement of Reasons and will be selected from the range of values provided by this proposal. The number of tags is intended to allow the appropriate level of hunting opportunity and harvest of bucks in the population, while achieving or maintaining the buck ratios at, or near, objective levels set forth in the approved deer herd management plans. These final values for the license tag numbers will be based upon findings from the annual harvest and herd composition counts. However, under circumstances where severe winter conditions adversely effect herd recruitment and over-winter adult survival, final tag quotas may fall below the proposed tag range.

(b) Authority and Reference Sections from Fish and Game Code for Regulation:

Authority: Sections 200, 202, 203, 220, 460, 3452, 3453, and 4334, Fish and Game Code.

Reference: Sections 200, 202, 203, 203.1, 207, 458, 459, 460, 3452, 3453, and 4334, Fish and Game Code.

(c) Specific Technology or Equipment Required by Regulatory Change:

None.

(d) Identification of Reports or Documents Supporting Regulation Change:

2003 Draft Environmental Document Regarding Deer Hunting.

(e) Public Discussions of Proposed Regulations Prior to Notice Publication:

In 2000, the Department held a total of twenty-three (23) "Deer Stakeholder" meetings throughout the state. The meetings were open to the public, and the Department provided information on a variety of deer management strategies and issues including: Deer Assessment Unit (zone complex) planning and tag draw method alternatives. Attendees were asked to participate in a survey and public comment was also received. The dates and locations of these meetings were as follows:

July 24, 2000 - Chico
July 25, 2000 - Modesto
July 26, 2000 - Fresno
July 27, 2000 - Bakersfield
August 9, 2000 - Folsom
August 10, 2000 - Truckee
August 22, 2000 - Bishop

August 23, 2000 - Long Beach
August 24, 2000 - El Cajon
September 12, 2000 - Santa Barbara
September 28, 2000 - Salinas
October 17, 2000 - Eureka
October 18, 2000 - Red Bluff
October 19, 2000 - Susanville
October 20, 2000 - Redding
October 23, 2000 - Alturas
November 1, 2000 - Rohnert Park
November 14, 2000 - Yreka
November 16, 2000 - Merced
November 21, 2000 - Arroyo Grande
December 7, 2000 - Livermore
December 11, 2000 - El Centro
December 14, 2000 - Redlands

In addition, the Department conducted four public meetings in which regulation change concepts and specific proposals for mammals and furbearers, including deer were presented and discussed, and additional public comment was received. The dates and locations of these meetings were as follows:

November 7, 2001 - Fresno
November 13, 2001 - San Diego
November 29, 2001 - Monterey
December 13, 2001 - Sacramento

While these meetings were conducted prior to the establishment of last years regulations, the concepts and proposals which were derived through these meetings are still being implemented as part of the current year regulatory process.

IV. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulation Change:

1. Modify Season for Hunt G-8

There is no reasonable alternative to the proposed action.

2. Modify Season and Special Conditions for Hunt G-10

There is no reasonable alternative to the proposed action.

3. Modify Area Description for Hunt J-7

There is no reasonable alternative to the proposed action.

4. Modify Season for Hunt J-10

There is no reasonable alternative to the proposed action.

5. Minor Editorial Changes

There is no reasonable alternative to the proposed action.

6. Number of Tags

There is no reasonable alternative to the proposed action.

(b) No Change Alternative:

1. Modify Season for Hunt G-8

The no change alternative was considered and found inadequate to attain the project objectives. Retaining the current season length and timing would be unresponsive to heightened security conditions and reduced staffing levels currently under implementation at the military base.

2. Modify Season and Special Conditions for Hunt G-10

The no-change alternative was considered and found inadequate to attain the project objectives. Retaining the current season would be unresponsive to heightened security conditions and reduced staffing levels currently under implementation at the military base. In addition, lack of clarification of method of take restrictions would lead to continued confusion on the part of hunters.

3. Modify Area Description for Hunt J-7

The no change alternative was considered and found inadequate to attain the project objectives. Retaining the current area description may lead to confusion and unnecessarily place hunters at risk of violating hunt area boundaries.

4. Modify Season for Hunt J-10

The no-change alternative was considered and found inadequate to attain the project objectives. Retaining the current season length and timing would be unresponsive to heightened security conditions and reduced staffing levels currently under implementation at the military base. In addition, retaining the existing season description will lead to an inconsistency in the regulation due to the 2003 calendar shift.

5. Minor Editorial Changes

The no-change alternative was considered and found inadequate to attain the project objectives, because inconsistencies in spelling, grammar and clarification would exist within the regulations.

6. Number of Tags

The no-change alternative was considered and found inadequate to attain the project objectives. Retaining the current number of tags for the hunts listed may not be responsive to changes in the status of the herds. The deer herd management plans specify objective levels for the proportion of bucks in the herds. These ratios are maintained and managed in part by modifying the number of tags. The no-change alternative would not allow management of the desired proportion of bucks stated in the approved deer herd management plans.

(c) Consideration of Alternatives:

In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purposes for which the regulation is proposed or would be as effective and less burdensome to the affected private persons than the proposed regulation.

V. Mitigation Measures Required by Regulatory Action:

The proposed regulatory action will have no negative impact on the environment; therefore, no mitigation measures are needed.

VI. Impact of Regulatory Action:

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and following initial determinations relative to the required statutory categories have been made.

(a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businessmen to Compete with Businesses in Other States:

The agency is not aware of any cost impacts that a representative business would necessarily incur in reasonable compliance with the proposed action. The proposed action adjusts tag quotas for existing hunts. Given the number of tags available and the area over which they are distributed, these proposals are economically neutral to business.

(b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California:

None.

(c) Cost Impacts on Private Persons:

The agency is not aware of any cost impacts that a representative private person would necessarily incur in reasonable compliance with the proposed action.

(d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

None.

(e) Other Nondiscretionary Costs/Savings to Local Agencies:

None.

(f) Programs Mandated on Local Agencies or School Districts:

None.

(g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed under Part 7 (commencing with Section 17500) of Division 4:

None.

(h) Effect on Housing Costs:

None.

INFORMATIVE DIGEST (Policy Statement Overview)

Existing regulations for Hunt G-8 provide for a season on Saturdays, Sundays and federal holidays beginning the second Saturday in October and continuing for four consecutive weekends. As a result of events on September 11, 2001, staffing levels at Fort Hunter Liggett have been reduced, requiring that the season be shortened. The proposed change would reduce the season to two consecutive weekends, specifically include the Columbus Day holiday, and move the season beginning to the first Saturday in October. This proposal will decrease staffing requirements by reducing the season length and overlapping Hunt G-8 with proposed changes for Hunt J-10.

Existing regulations for Hunt G-10 provide for a 72 day season beginning the first Saturday in October; allow hunting by both military and general public; and include various method of take restrictions during the season. As a result of events on September 11, 2001, staffing levels at Camp Pendleton have been reduced, requiring that the season be curtailed; additional security provisions imposed on the base, require restricting hunting access to military personnel only; and special conditions are unclear and require clarification. The proposed change would 1) modify the season to ten consecutive weekends by allowing hunting to occur on Saturdays and Sundays only, thereby reducing staffing requirements; 2) restrict the distribution of tags to military personnel; and 3) the method of take/season restrictions for hunting with archery equipment or firearms would be clarified, thus eliminating confusion regarding when each method of take is permitted.

Existing regulations for Hunt J-7 provide both a physical description and a cross reference to the zone X-8 area description in subsection 360(b). During the 2002 regulation process, the area description for zone X-8 was modified to provide a clearer boundary description, however the corresponding change was not incorporated into the J-7 area description and an inconsistency exists which may lead to confusion and unnecessarily place hunters at risk of violating hunt area boundaries. The proposed change would modify the Hunt J-7 area description to cross reference the Zone X-8 area description and therefore eliminate any confusion over the hunting boundary.

Existing regulations for Hunt J-10 provide for a season on Saturdays, Sundays and the Columbus Day holiday beginning the last Saturday in September and extending for two consecutive weekends. Due to the shift of calendar dates in 2003, the Columbus Day holiday falls outside of the existing two consecutive weekends, creating an inconsistency in the regulation. In addition, as a result of events on September 11, 2001, staffing levels at Fort Hunter Liggett have been reduced, requiring that the season be shortened. The proposed change would reduce the season to two consecutive weekends, specifically include the Columbus Day holiday, and move the season beginning to the first Saturday in October, thereby reducing staff requirements by aligning seasons for Hunt J-10 and Hunt G-8 and eliminating future discrepancies due to calendar date shifts.

Some minor editorial changes are necessary for consistency in spelling, grammar and clarification.

Existing regulations provide for the number of hunting tags for the additional hunts. The proposal changes the number of tags for existing hunts to a series of ranges presented in the following table. These ranges are necessary, as the final number of tags cannot be determined until spring herd data are collected in March/April. Because severe winter conditions can have an adverse effect on herd recruitment and overwinter adult survival, final tag quotas may fall below the proposed range.

Deer: § 360(c) Additional Hunts					
Tag Allocations					
Hunt	Current	Proposed	Hunt	Current	Proposed
G-1	3,500	500-5,000	M-11	20	20-200
G-3	25	25-50	MA-1	150	20-150
G-6	50	25-100	MA-3	150	20-150
G-7	20 Military *	20 Military *	J-1	25	10-25
G-8	30 Military * 30 Public	60-150 (Military */Public to be determined)	J-3	15	15-30
G-9	15 Military * 15 Public	15 Military * 15 Public	J-4	15	15-50
G-10	380 Military * 100 Public	100-480 Military *	J-7	15	10-30
G-11	500 Military * and DOD **	500 Military * and DOD **	J-8	20	10-20
G-12	30	25-75	J-9	5	5-10
G-13	300	50-300	J-10	10 Military * 30 Public	10 Military * 30 Public
G-19	25	10-65	J-11	40	10-50
G-21	25	25-100	J-12	10	10-20
G-37	25	25-50	J-13	40	25-100
G-38	300	50-300	J-14	30	15-75
M-3	25	20-75	J-15	10	5-30
M-4	20	15-50	J-16	75	10-75
M-5	20	15-50	J-17	25	5-25
M-6	80	25-100	J-18	75	10-75
M-7	150	50-150	J-19	25	10-40
M-8	30	20-75	J-20	20	5-20
M-9	20	10-100			

* Specific numbers of tags are provided for military hunts through a system which restricts hunter access to desired levels and ensures biologically conservative hunting programs.

** DOD = Department of Defense